

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

AF/IFW

Applicant: HAATAJA ET AL.

Examiner: M. JIMENEZ

Serial No.: 10/626,106

Group Art Unit: 3726

Filed: JULY 23, 2003

Docket: 2316.1196USD1

Confirmation: 8972

Due Date: DECEMBER 2, 2006

(SATURDAY)

Title: METHOD OF ASSEMBLING A CABLE SYSTEM HAVING A TELESOPING TROUGH

**CERTIFICATE UNDER 37 CFR 1.8:**

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By:

Name: Carla J. Catalano

Mail Stop Appeal Brief-Patents  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

**23552**

PATENT TRADEMARK OFFICE

Sir:

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By:

Name: Karen A. Fitzsimmons

Reg. No.: 50,470

KFitzsimmons/cjc



S/N 10/626,106

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: HAATAJA ET AL. Examiner: M. JIMENEZ  
Serial No.: 10/626,106 Group Art Unit: 3726  
Filed: JULY 23, 2003 Docket No.: 2316.1196USD1  
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By: Carla J. Catalano  
Name: CARLA J. CATALANO

APPEAL BRIEF

Mail Stop Appeal Brief-Patents  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

**23552**

PATENT TRADEMARK OFFICE

Dear Sir:

This Brief is presented in support of the Notice of Appeal, filed October 2, 2006, concerning the final rejection of claims 1-9 and 20-29 of the above-identified application, as set forth in the Final Office Action mailed August 8, 2006.

A check for \$500.00 to cover the required fee for filing this Brief is enclosed. Please charge any additional fees or credit overpayment to Merchant & Gould Deposit Account No. 13-2725.

An oral hearing is requested. A separate request for oral hearing with the appropriate fee will be filed within two months of the Examiner's Answer.

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### **I. REAL PARTY IN INTEREST**

The real party in interest is ADC Telecommunications, Inc., located in Eden Prairie, Minnesota, the assignee of record.

## **II. RELATED APPEALS AND INTERFERENCES**

None.

### **III. STATUS OF CLAIMS**

Claims 1-9 and 20-29 are currently rejected.

The rejection of each of claim 1-9 and 20-29 is being appealed.

#### **IV. STATUS OF AMENDMENTS**

No amendments subsequent to the Final Office Action of August 8, 2006 have been filed.

## **V. SUMMARY OF THE CLAIMED SUBJECT MATTER**

Independent Claim 1 concerns a method of assembling a cable routing system. The method includes providing first and second U-shaped spaced apart end members (e.g., 16; FIG. 1) and a telescoping U-shaped trough (12). The telescoping U-shaped trough has first and second trough sections (24, 26), each having a terminal end (42, 72) and a receiving end (40, 70); see FIGS. 10 and 13. The receiving ends (40, 70) of the trough sections are in sliding contact with one another (Spec. page 4, lines 26-27). The terminal ends (42, 72) have the same connecting configuration such that the telescoping U-shaped trough is reversible (Spec. page 2, lines 15-17; and page 5, lines 1-4). The method further includes positioning the reversible telescoping U-shaped trough (12, FIG. 1) between the first and second end members (e.g., 16), and connecting the trough sections (24, 26) of the reversible telescoping U-shaped trough (12) to the end members. The first and second trough sections remain freely slideable when one of the trough sections (24, 26) is disconnected from the respective end member (originally filed claim 13 in parent Application No. 09/578,300).

Independent Claim 2 concerns a method of assembling a cable routing system. The method includes providing first and second end members (e.g., 16, FIG. 1) spaced apart a fixed distance, and a telescoping cable trough (12) having first and second trough sections (24, 26) in sliding contact with one another (Spec. page 4, lines 26-27). The method also includes positioning the telescoping cable trough (12) between the first and second end members, selectively connecting the first trough section (24) to either one of the first and second end members, and connecting the second trough section (26) to the other end member. The first trough section (24) is connectable to both of either one of the first and second end members (Spec. page 2, lines 15-17; and page 5, lines 1-4). The first and second trough sections (24, 26) remain freely slideable upon disconnecting at least one of the trough sections from the respective end member (originally filed claim 13 in parent Application No. 09/578,300).

Independent Claim 20 concerns a method of assembling a cable routing system. The method includes providing first and second cable trough members (e.g., 16; FIG. 1),



having ends, and a telescoping trough (12) having first and second trough sections (24, 26) in sliding contact with one another (Spec. page 4, lines 26-27). Sliding movement of the trough sections (24, 26) is limited between a minimum extension position and a maximum extension position to prevent sliding separation of the trough sections (24, 26) (Spec. page 4, lines 14-16; and page 6, lines 7-8 and 25-26). The method also includes positioning the telescoping trough (12) between the ends of the cable trough members, and connecting the trough sections (24, 26) to the ends of the cable trough members. The trough sections (24, 26) remain freely slideable upon disconnecting at least one of the trough sections from the respective end of the trough members (originally filed claim 13 in parent Application No. 09/578,300).

## **VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL**

1. Whether claims 1-6, 8, 9, 20-23, and 26-29 are anticipated under 35 U.S.C. 102(b) by Zetena, Jr. (U.S. Patent 5,316,244).
2. Whether claims 7, 24, and 25 are unpatentable under 35 U.S.C. 103(a) over Zetena, Jr. (U.S. Patent 5,316,244) in view of Merckle (U.S. Patent 3,351,699).

## **VII. ARGUMENT**

1. Concerning whether claims 1-6, 8, 9, 20-23, and 26-29 are anticipated under 35 U.S.C. 102(b) by Zetena, Jr. (U.S. Patent 5,316,244).

- a. Claims 1-6, 8, 9, 20-23, and 26-29

Independent claims 1, 2, and 20 recite a method of assembling a cable routing system. The methods generally include connecting first and second trough sections of a telescoping trough to first and second end members. The first and second trough sections remain freely slideable upon disconnecting at least one of the first and second trough sections from the respective first and second end members.

Applicants have submitted herewith an annotated copy of FIG. 19 of Zetena. Referring to annotated FIG. 19, the Examiner has characterized one of the telescope members 15A as a first trough section (highlighted in green), and the other telescope member 15B in combination with a channel member 5 as a second trough member (highlighted in yellow). The Examiner notes that terminal ends of the first and second telescope members 15A, 15B are connected to corner connectors 109, 115.

With this particular characterization, it is respectfully submitted that the first telescope member 15A and the channel member 5 do not remain freely slideable upon disconnecting at least one of the first telescope member 15A and the second telescope member 15B from the corner connectors 109, 115, as required by claims 1, 2 and 20.

In particular, Zetena discloses that installation involves sliding a telescope member 15 over adjacent ends of channel members (e.g. 5), and pressing locking clips 25 over the respective lips of the members 15, 5 once the length is set. The locking clips 25 lock the members 15, 5 in place to prevent any further sliding movement. Column 3, lines 12-28.

With the members "locked in place" by the clips 25, the first telescope member 15A and the channel member 5 do not remain freely slideable upon disconnecting either of the first and second telescope members 15A, 15B from the corner connectors 109, 115. In sharp contrast, when one of the telescope members 15A, 15B is disconnected from the corner connectors 109, 115, the first telescope member 15A and the channel member 5 remain locked in place by the locking clips 25 and are not freely slideable, as required by claims 1, 2, and 20.

While the Examiner asserts that the clips 25 are not permanent locking clips and can therefore be removed to allow sliding motion between the first telescope member 15A and the channel member 5, the Office Action fails to point out where Zetena discloses that the locking clips 25 are to be removed so that the members remain freely slideable. To establish a proper basis for a rejection under 35 U.S.C. §102, the cited reference must disclose each and every limitation recited in the claim. Zetena simply does not disclose that the members 15A, 5 are to remain freely slideable. It is respectfully submitted that it is impermissible to broaden the disclosure of Zetena, as the Examiner proposes.

Moreover, not only does Zetena fail to disclose members that remain freely slideable, Zetena teaches away from such freely slideable members. That is, Zetena teaches the use of the locking clips 25 to lock the members "in place against further sliding movement changing the length" of the members. Column 3, lines 12-28.

At least for these reasons, Applicants respectfully submit that independent claims 1, 2 and 20, and dependent claims 3-6, 8-9, 21-23, and 26-29 are patentable.

b. Claims 20-23 and 26-29

With regards to claims 20, 28, and 29, it is further recited that sliding movement of the first and second trough sections is limited between a minimum extension position and a maximum extension position to prevent separation.

The Examiner asserts that because the trough members of Zetena are locked in place by locking clips 25, sliding movement of the members (15A, 5) is thereby limited between a minimum and a maximum extension position.

It is respectfully submitted that the Examiner has not given proper consideration to the remaining limitations of the claims, which clarify the feature of limited sliding movement. While it is agreed that the locking clips 25 of Zetena lock the trough members 15A, 5 in place, Zetena does not meet the requirements that the members be in sliding contact and that the sliding movement be limited between a minimum extension position and a maximum extension position to prevent separation. When considered in its proper context, claims 20, 28, and 29 require the sections to remain freely slideable between two positions. In Zetena, the locking clips 25 prevent sliding movement all together, as opposed to limiting sliding movement between two positions.

At least for these reasons, and the reasons stated above with respect to all independent claims 1, 2, and 20, Applicants respectfully submit that claims 20-23 and 26-29 are patentable.

c. Claims 8, 25, and 27

Claims 8, 25, and 27 each further recite that the method includes sliding the trough sections relative to one another until either a stop or a slot and tab connection stops further sliding movement. The Examiner asserts that the locking clips 25 are also considered "stops." While the clips lock the members 15A, 5 in place, Zetena does not disclose "sliding the [members 15A, 5] until [the locking clip 25] stops further sliding movement," as required by claims 8, 25, and 27. Instead, it is submitted that the members 15A, 5 are in fact held stationary relative to one another while the locking clips 25 are locked in place. Zetena simply does not disclose that the members slide until a stop/connection stops further sliding movement.

At least for this reason, and the reasons stated above with respect to independent claims 2 and 20, Applicants respectfully submit that claims 8, 25, and 27 are patentable.

2. Concerning whether claims 7, 24, and 25 are unpatentable under 35 U.S.C. 103(a) over Zetena, Jr. (U.S. Patent 5,316,244) in view of Merckle (U.S. Patent 3,351,699).

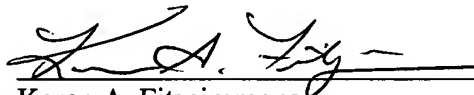
Claim 7 depends upon claim 2. Claims 24 and 25 depend upon claim 20. In view of the remarks regarding independent claims 2 and 20, Applicants submit that dependent claims 7, 24, and 25 are patentable.

In summary, it is earnestly requested that the Examiner's rejections be reversed, and that all of the pending claims be allowed.

Respectfully submitted,

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Date: Nov. 21, 2006

  
\_\_\_\_\_  
Karen A. Fitzsimmons  
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## **VIII. CLAIMS APPENDIX**

1. A method of assembling a cable routing system comprising the steps of:
  - providing first and second U-shaped spaced apart end members;
  - providing a telescoping U-shaped trough with first and second trough sections, the first and second trough sections each having a terminal end and a receiving end, the receiving ends of the first and second trough sections being in sliding contact with one another, the terminal ends of the first and second trough sections having the same connecting configuration such that the telescoping U-shaped trough is reversible;
  - positioning the reversible telescoping U-shaped trough between the first and second end members; and
  - connecting the first and second trough sections of the reversible telescoping U-shaped trough to the first and second end members, wherein the first and second trough sections remain freely slideable upon disconnecting at least one of the first and second trough sections from the respective first and second end members.
  
2. A method of assembling a cable routing system comprising the steps of:
  - providing first and second end members, the end members being spaced apart a fixed distance;
  - providing a telescoping cable trough with first and second trough sections, the first and second trough sections being in sliding contact with one another;
  - positioning the telescoping cable trough between the first and second end members; and
  - selectively connecting the first trough section to either one of the first and second end members, the first trough section being connectable to both of either one of the first and second end members; and
  - connecting the second trough section to the other of the first and second end members;
  - wherein the first and second trough sections remain freely slideable upon disconnecting at least one of the first and second trough sections from the respective first and second end members.

3. The method of claim 2, wherein the step of selectively connecting the first and second trough sections to the first and second ends members includes connecting the first trough section to the first end member.
4. The method of claim 2, wherein the step of selectively connecting the first and second trough sections to the first and second ends members includes connecting the first trough section to the second end member.
5. The method of claim 2, wherein the step of providing a telescoping cable trough includes providing a telescoping cable trough with first and second slideable trough sections having substantially the same coupling profile for selectively coupling one of the first and second trough sections to either of the first and second end members.
6. The method of claim 2, further including sliding the trough sections relative to one another to fit between the first and second end members.
7. The method of claim 6, further including engaging flanges of the second trough section with slots formed in the first trough section and sliding the trough sections relative to one another.
8. The method of claim 6, further including sliding the trough sections relative to one another until a slot and tab connection of the telescoping cable trough stops further sliding movement.
9. The method of claim 2, further including varying an overall length of the telescoping cable trough during assembly by:
  - a) retracting the telescoping cable trough to position the cable trough between the first and second end members; and
  - b) expanding the telescoping cable trough to connect the first and second sections to the first and second end members.



20. A method of assembling a cable routing system comprising the steps of:  
providing first and second cable trough members, each of the cable trough members having ends;  
providing a telescoping trough with first and second trough sections, the first and second trough sections being in sliding contact with one another, sliding movement of the first and second trough sections being limited between a minimum extension position and a maximum extension position to prevent sliding separation of the first and second trough sections;  
positioning the telescoping trough between the ends of the first and second cable trough members; and  
connecting the first and second trough sections to the ends of the first and second cable trough members, wherein the first and second trough sections remain freely slideable upon disconnecting at least one of the first and second trough sections from the respective end of the first and second trough members.
21. The method of claim 20, wherein the step of providing the telescoping trough includes providing a U-shaped telescoping trough.
22. The method of claim 20, wherein the step of providing the telescoping trough includes providing a telescoping trough with first and second trough sections having substantially the same coupling profile for selectively coupling one of the first and second trough sections to either of the ends of the first and second cable trough members.
23. The method of claim 20, further including sliding the trough sections relative to one another to fit between the ends of the first and second cable trough members.
24. The method of claim 23, further including engaging flanges of the second trough section with slots formed in the first trough section and sliding the trough sections relative to one another.

25. The method of claim 23, further including sliding the trough sections relative to one another until a slot and tab connection of the telescoping trough stops further sliding movement beyond the maximum extension position.

26. The method of claim 20, further including varying an overall length of the telescoping trough during assembly by:

a) retracting the telescoping trough to position the telescoping trough between the ends of the first and second cable trough members; and

b) expanding the telescoping trough to connect the first and second trough sections to the ends of the first and second cable trough members.

27. The method of claim 23, further including sliding the trough sections relative to one another until a stop located at a terminal end of one of the first and second trough sections stops further sliding movement beyond the minimum extension position.

28. The method of claim 1, wherein the step of providing the telescoping U-shaped trough includes providing the first and second trough sections in sliding contact, sliding movement of the first and second trough sections being limited between a maximum extension position and a minimum extension position to prevent separation of the first and second trough sections.

29. The method of claim 2, wherein the step of providing the telescoping cable trough includes providing the first and second trough sections in sliding contact, sliding movement of the first and second trough sections being limited between a maximum extension position and a minimum extension position to prevent separation of the first and second trough sections.

## **IX. EVIDENCE APPENDIX**

### **1. OFFICE ACTIONS AND AMENDMENTS/RESPONSES**

- a. Final Office Action -- mailed August 8, 2006

### **2. REFERENCES RELIED UPON BY THE EXAMINER**

- a. U.S. Patent No. 5,316,244 issued to Zetena, Jr.
- b. U.S. Patent No. 3,351,699 issued to Merckle

### **3. ANNOTATED FIG. 19 OF ZETENA, JR.**

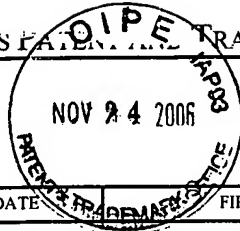
The above items are attached and labeled accordingly as Exhibits.

**X. RELATED PROCEEDINGS APPENDIX**

None.



UNITED STATES PATENT AND TRADEMARK OFFICE



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/626,106	07/23/2003	Timothy Jon Haataja	2316.1196USD1✓	8972

7590 08/08/2006

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EXAMINER	
JIMENEZ, MARC QUEMUEL	
ART UNIT	PAPER NUMBER
3726	

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✓ FR 2 Mo: October 8, 2006 ✓  
✓ FR 3 Mo/PTA: November 8, 2006 ✓  
✓ FR 6 Months: February 8, 2007 ✓

Please find below and/or attached an Office communication concerning this application or proceeding. ✓



# Office Action Summary

Application No.

10/626,106

Applicant(s)

HAATAJA ET AL.

Examiner

Marc Jimenez

Art Unit

3726

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 19 June 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-9 and 20-29 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 and 20-29 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. **Claims 1-6, 8, 9, 20-23 and 26-29** are rejected under 35 U.S.C. 102(b) as being anticipated by Zetena (US5316244).

Regarding claims 1-4, Zetena teaches the following in figure 19: first **115** and second **109** U-shaped spaced apart members, providing a telescoping U-shaped trough with first and second trough sections (See mark-up of figure 19 in the last office action for what is considered “first” and “second” trough “sections”), the first and second trough sections each having a terminal end **21** and a receiving end (See mark-up of figure 19 in the last office action for what is considered “receiving ends”), the receiving ends of the first and second trough sections being in sliding contact with one another, the terminal ends **21** of the first and second trough sections having the same connecting configuration such that the telescoping U-shaped trough is reversible, positioning the reversible telescoping U-shaped trough between the first and second end members **115,109**, and connecting the first and second trough sections of the reversible telescoping U-shaped trough to the first and second end members **115,109**, wherein the first and

second trough sections remain freely slideable upon disconnecting at least one of the first and second trough sections from the respective first and second end members **115,109**.

Regarding claim 5, the first and second slideable trough sections have substantially the same coupling profile (U-shaped).

Regarding claim 6, the trough sections are slidable to fit between the first and second end **115,109**.

Regarding claim 8, as shown in figure 6, the tab 28 creates a slot and tab connection which stops further sliding movement.

Regarding claim 9, the retractable cable trough allows the cable trough to be positioned between first and second **109,155** end members and expanding the telescoping cable trough to connect the first and second sections to the first and second end members.

Regarding claims 20-23, 26 and 27, Zetena is considered to meet the "sliding movement of the first and second trough sections being limited between a minimum extension position and a maximum extension position to prevent sliding separating of the first and second trough sections" limitation because the trough member is locked in place by locking clips **25**. The clips **25** are also considered "stops".

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.



4. **Claims 7, 24 and 25** are rejected under 35 U.S.C. 103(a) as being unpatentable over Zetena in view of Merckle (US 3,351,699).

Zetena teaches the invention cited with the exception of the flanges of the second trough section having slots.

Merckle teaches in figure 8, flanges of a slideable trough having slots 30.

Therefore, it would have been obvious to a person of ordinary skill in the art, at the time of the invention, to have provided the invention of Zetena with slots in the flanges of the second trough, in light of the teachings of Merckle, in order to provide easier disassembly of the troughs where the inner trough could be removed from above the outer trough by pulling the inner trough upwards (see figure 12 of Merckle where the inner trough **30** could be separated from the outer trough **36** more easily). Whereas in Zetena, the troughs have to be telescopically removed or assembled.

#### ***Response to Arguments***

5. Applicant's arguments filed 6-19-06 have been fully considered but they are not persuasive.

6. Applicant's main argument is that the first telescope member and the channel member do not remain freely slideable upon disconnecting either of the first and second telescope members because they are locked in place with locking clips **25**. This is not found persuasive because the clips are not permanent locking clips and can be removed to allow sliding motion between the first telescope member and the channel member.

Art Unit: 3726

7. The examiner maintains the original position that the locking clips **25** could also be considered “stops” as claimed.

8. The invention as claimed is still broad enough that the Zetena reference reads on all of the limitations. It is suggested that applicant consider including similar structural features of the parent application now US patent number 6,739,795 so that the claims clearly overcome the Zetena reference.

### ***Conclusion***

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

### ***Interviews After Final***

10. Applicant note that an interview after a final rejection will not be granted unless the intended purpose and content of the interview is presented briefly, in writing (the agenda of the

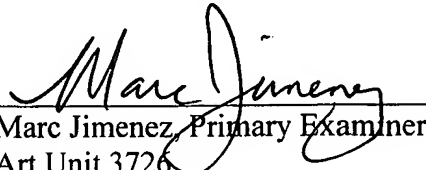
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interview must be in writing) to clarify issues for appeal requiring only nominal further consideration. Interviews merely to restate arguments of record or to discuss new limitations will be denied. See MPEP 714.13 and 713.09.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marc Jimenez whose telephone number is (571) 272-4530. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Bryant can be reached on (571) 272-4526. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
Marc Jimenez, Primary Examiner  
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